

GOVERNMENT OF THE DISTRICT OF COLUMBIA

District Department of the Environment



Dear District Businesses:

New regulations on the *Anacostia River Clean Up and Protection Act of 2009* (also known as the Bag Law) are in effect and may impact your business. On August 13th, 2010, the final regulations on Retail Establishment Carryout Bags (Chapter 10 of Title 21 of the District of Columbia Municipal Regulations) were published in the D.C. Register, 57 DCR 7208. These regulations outline the new bag material and labeling requirements of the Bag Law, and clarify how the District Department of the Environment (DDOE) will implement and enforce the requirements.

Effective immediately, all disposable paper or plastic carryout bags provided by or distributed to retail establishments selling food or alcohol in the District of Columbia must meet the following requirements (see reverse for a list of carryout bags not subject to these regulations):

- They must be 100% recyclable.
- They must have the recycling statement “**Please Recycle This Bag,**” or a substantially similar phrase, prominently displayed on the exterior of the front or back panel and not on the gusset or at the base.
- The recycling statement must be in bold, and be at least 0.5 inches in height or 75% of the width of the front panel.
- Disposable **paper** carryout bags must contain a minimum of 40% post-consumer recycled content. Disposable **plastic** carryout bags must be made of high-density polyethylene film marked with the SPI resin identification code 2, or low-density polyethylene film marked with the SPI resin identification code 4.



It is mandatory that all disposable carryout bags meet the aforementioned requirements, even if they are biodegradable or compostable. Additionally, all disposable carryout bags made of **both plastic and paper** must meet the requirements for both the paper components as well as the plastic components of the bag.

DDOE will conduct on-going compliance inspections and issue warnings and impose fines on businesses in violation of the District’s Bag Law. We encourage you to visit green.dc.gov/bags to familiarize yourself with the Retail Establishment Carryout Bags Regulations. To ensure that your business remains in compliance, please be sure that your employees:

- Ask customers if they would like a disposable bag and, if so, how many?
- Charge customers for EVERY disposable plastic and paper carryout bag provided.
- Indicate the number of bags sold on the customer’s receipt.

DDOE’s goal is to help businesses achieve compliance and to ultimately reduce plastic bag waste in the District’s waterways. Should you have questions about the requirements of the District’s Bag Law or would like additional “Skip the Bag Save the River” register decals, please contact Emily Rice, DDOE Environmental Protection Specialist, at 202-535-2679 or emily.rice@dc.gov. Thank you for doing your part to keep the waterways of the District of Columbia clean.

Sincerely,

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CARRYOUT BAGS NOT SUBJECT TO REGULATIONS (21 DCMR § 1006)

For the purposes of Chapter 10 (Regulations on Retail Establishment Carryout Bags), the term “disposable carryout bag” shall not include:

- (a) A bag used by a customer inside stores to package bulk items, such as fruit, vegetables, nuts, grains, or candy;
- (b) A bag used by a customer inside a store to contain or wrap frozen foods, meat, or fish, whether or not the items are prepackaged;
- (c) A bag used by a customer inside a store to contain or wrap flowers, potted plants, or other items where dampness may be a problem;
- (d) A bag used by a customer inside a store to contain unwrapped prepared foods or bakery goods;
- (e) A bag used by a pharmacist to contain prescription drugs;
- (f) A newspaper bag, door-hanger bag, laundry-dry cleaning bag, or bags sold in a package intended for use as garbage, pet waste, or yard waste bags;
- (g) A bag provided to a customer by the retail establishment for the purpose of transporting a partially consumed bottle of wine, as required by D.C. Official Code § 25-113(b)(5)(C);
- (h) A paper carryout bag provided to a customer to take food away from a restaurant with seating, as described in D.C. Official Code § 47-2827(e)(2), if the bag contains only:
 - (1) Food items; or
 - (2) Food and non-food items that the restaurant does not directly charge the customer for;and
- (i) A reusable carryout bag, defined as “a bag with handles that is specifically designed and manufactured for multiple reuse and is made of cloth, fiber, other machine-washable fabric, or durable plastic that is at least two and one-quarter millimeters (2.25 mm) thick” in Section 1099.